

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
BLUEFIELD DIVISION

KARLA HIVELY, Individually and as Administratrix
of the ESTATE OF STEVEN HIVELY,

Plaintiff,

v.

USDC Civil Action No. 1:22-cv-00295

RAMACO RESOURCES, LLC,
A Kentucky Limited Liability Company,
RAMACO RESOURCES, INC.,
A Kentucky Corporation; and
TIMOTHY RANSON ADDAIR,
A West Virginia resident and citizen,

Defendants.

**JOINT MOTION AND AGREED ORDER BY PLAINTIFF,
KARLA HIVELY, INDIVIDUALLY AND AS ADMINISTRATRIX
OF THE ESTATE OF STEVEN HIVELY, PLAINTIFF,
AND BY THE NAMED DEFENDANTS, TIMOTHY RANSON ADDAIR, A WEST
VIRGINIA RESIDENT AND CITIZEN, RAMACO RESOURCES, LLC,
A KENTUCKY LIMITED LIABILITY COMPANY, AND RAMACO RESOURCES,
INC., A KENTUCKY CORPORATION TO VOLUNTARILY REMAND THE ABOVE-
CAPTIONED CASE TO THE CIRCUIT COURT OF McDOWELL COUNTY**

NOW COMES the Plaintiff, Karla Hively, Individually and as Administratrix of the Estate of Steven Hively, and the Defendants, Timothy Ranson Addair, Ramaco Resources, LLC, and Ramaco Resources, Inc., and presents this Agreed Motion and Order to remand the above-captioned case to the Circuit Court of McDowell County.

HISTORY OF REMOVAL

A Notice of Removal by Timothy Ranson Addair, with Summons, Complaint, Docket Sheet, Consent, and other miscellaneous documents from the Circuit Court of McDowell County, along with an appropriate filing fee was filed with this Court on July 20, 2022. The case was assigned to Sr. Judge David A. Faber. An updated Docket Sheet was filed on July 21, 2022. The Defendant,

Timothy Ranson Addair, filed a response and answer to the complaint of the Plaintiff with a demand for jury trial on July 25, 2022. On that same day, Defendant, Timothy Ranson Addair, filed a Rule 7.1 Disclosure. On July 26, 2022, the Court entered an Order and Notice relating to Rule 26(f) meetings, Rule 26(f) reports, and entry of a Scheduling Order.

On that same day, July 26, 2022, the Plaintiff, Karla Hively, as Administratrix of the Estate of Steven Hively, filed a Motion to Remand the case to the Circuit Court of McDowell County, with attachments. That Motion was accompanied by a Memorandum of Law. On August 30, the Defendant, Timothy Ranson Addair, filed a Motion to Extend the Time to File a Response to the Motion to Remand, to set a Briefing Schedule to allow newly served Defendants, Ramaco Resources, LLC, and Ramaco Resources, Inc., an opportunity to respond. On that same day, a brief was filed in support of the Motion. After the Motion was filed by Timothy Ranson Addair to continue the September 7 Status Conference and by Order entered on September 6, 2022, the Court granted the Motion to Continue the Scheduling Conference set for September 7, 2022, until such further Order of the Court.

The Plaintiff, by counsel, and the Defendants, by counsel, subsequently voluntarily agreed to moving this Court to remand the case to the Circuit Court of McDowell County by an Agreed Order.

The Court was informally advised of this agreement. The delay in entering the Agreed Order and Motion by counsel was necessitated by counsel for the Defendants contracting COVID and rebound COVID.

ORDER

The parties, however, now submit this Agreed Order to the Court seeking the voluntary remand to the Circuit Court of McDowell County of the above-captioned case with each parties to bear their own costs and expenses incurred, all of which is hereby accordingly ORDERED and

ADJUDGED this 26th day of October, 2022



David A. Faber, Judge

Prepared by:

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